

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 7	Number 6	Effective Date 11/02/09	Review Date 2012
Subject INFORMANTS			☐ New Order ☒ Replaces G.O. 7-6, (01/02/07)
References CALEA 42.2.7a, 42.2.7b, 42.2.7c, 42.2.7d, 42.2.7e, 42.2.7f, 42.2.7g VLEPSC OPR.02.06a, OPR.02.06b, OPR.02.06c, OPR.02.06d, OPR.02.06e, OPR.02.06f, OPR.02.06g, OPR.02.06h, OPR.02.06i			
 _____ Chief of Police or Designee		11/02/09 _____ Date	

I. PURPOSE

The purpose of this order is to provide guidelines for the documentation, management and compensation of confidential informants.

II. POLICY

The Richmond Police Department will maintain files on all informants used by members of the Department to gather information concerning criminal activities. The Department will also provide guidelines concerning management of informants. Management of informants will be in compliance with applicable Department policy, law and related court decisions.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

- A. **INFORMANT** – A person who, under the direction of an officer of the Richmond Police Department, furnishes information on drug trafficking or other criminal activity with the expectation of receiving compensation, whether monetary or, in some instances, not receiving any monetary compensation or consideration through a court disposition.

1. PAID INFORMANT – An informant, not subject to criminal charges or arrest, who provides information with the expectation of receiving monetary compensation from the Richmond Police Department.
 2. DEFENDANT INFORMANT – An informant **who** has been criminally charged and is facing prosecution for a criminal offense(s), or a defendant in a pending municipal, state or federal case who expects consideration in a disposition.
 3. PROXY INFORMANT – An informant, subject to arrest but **who** has not been formally charged, **who** provides information with the expectation of avoiding prosecution.
 4. DE-ACTIVATED INFORMANT – **An** individual **who has** previously served as **a** paid and/or defendant informant and **was** subject to termination, usually immediate, of the agreement between the Richmond Police Department and him/herself. The de-activated informant can no longer participate in any current or future investigation.
- B. Informational Sources – Persons, who may or may not be confidential, who supply information to the police without the expectation of any consideration or compensation from the Richmond Police Department, i.e. concerned citizens, Crimestoppers.

V. PROCEDURE

A. All Informants:

Each **officer** utilizing an informant (paid, defendant and proxy) shall ensure that the following documents are completed, placed in a packet and hand-carried to the Special Investigations Division's (SID) Narcotics Unit Officer-in-Charge (OIC) or designee. The Narcotics Unit OIC or designee will review the information and assign a control number before the informant can participate in any investigation.

1. Cooperation Agreement Document.
2. Personal History Form with Fingerprints (including proof of criminal history check, biographical and background information).
3. Initial Informant Debriefing Report (include reviewing supervisor's signature).

NOTE: The Debriefing Report is used to gather intelligence and to verify that the informant is active and providing information.

4. Photograph of Informant.
5. Informant Check List.
6. Copy of Department of Motor Vehicles (DMV) Record.

NOTE: Any officer or detective utilizing an informant will be required to submit a ***Debriefing Report*** to SID on a monthly basis. Failure to submit a monthly Debriefing Report may result in the SID deactivating the subject informant.

This information shall be included in the SID Master File and shall be maintained in a central, secure location by the Narcotics Unit OIC or designee.

NOTE: The SID will be the centralized repository for all files documenting informants that are utilized by each ***officer***.

B. Paid Informants:

1. No promise of payment amount will be made to the informant without the written consent from the Narcotics Unit OIC or designee. No payment will be made until the informant has provided assistance to the police, the value of the assistance has been evaluated and the payment amount has been discussed by the case officer and his/her supervisor.
2. Payments will be made from SID funds and, therefore, are subject to approval by the Narcotics Unit OIC or designee.
3. Informants utilized by the Homicide Unit shall be paid via funds appropriated to that unit.
4. The payment amount will be based upon the quality of information provided by the informant and the type of investigation. Any court testimony given by the informant will also be considered.
5. A ***Report of Expenditure of Special Investigative Funds*** (Narcotic N-10) form will be properly completed at the time payment is rendered to the informant.

C. Defendant Informants:

1. Department personnel must obtain Commonwealth's Attorney approval and supervisory authorization prior to using a defendant informant.
2. Documentation of criminal charges pending in a Richmond court shall be verified prior to using a defendant informant.
3. At no time can a defendant informant be paid.
4. A Proxy Informant Cooperation Form shall not be used for a defendant informant.

D. Proxy Informants:

1. Department personnel must obtain Commonwealth's Attorney approval and supervisory authorization prior to using a proxy informant.
2. In addition to the required Informant Information Packet forms for all informants, the following documents shall be included in the forms packet and

delivered to the Special Investigations Division's Narcotics Unit OIC or designee:

- a. Proxy Informant Cooperation Agreement Form; *and*,
- b. Criminal History Report.

E. Maintenance and Control of Informants:

1. Documentation:

- a) The case officer must document all informant activities immediately after the informant has performed any action directed by a member of the police department. The case officers will promptly complete the "Informant Resume Sheet" and forward it to the Narcotics Unit OIC or designee.
- b) The Narcotics Unit OIC or designee will maintain an informant file list. This list will include informants that are classified as deactivated.
- c) If any informant is classified as deactivated, his/her participation in any investigation and any future investigations must cease immediately.
- d) If an informant has been classified as inactive and it becomes necessary to reactivate, a new Informant Information Packet as described in this general order must be submitted.

2. Control:

- a) Informant identity:
 - (1) The SID will warehouse a centralized file documenting informants maintained by each Departmental *officer*.
 - (2) All actions involving the use of confidential informants will be handled in such a manner as to protect the identity of the informant.
 - (3) Informant confidentiality will be thoroughly discussed with the Commonwealth's Attorney's office prior to any court proceeding and all alternatives to releasing informant identity will be considered.
 - (4) At no time will an informant be promised confidentiality; he or she may be informed that all lawful means to protect his/her identity will be employed.
- b) No personnel will meet with any informant without having a second officer present.
- c) All contacts with informants will be strictly professional in nature; socializing, romantic relationships, etc. with informants are strictly prohibited.

F. Juveniles as Informants:

1. Persons less than 18 years of age cannot be used as an informant unless expressed written permission is obtained by the Commonwealth's Attorney's Office and the Major of Support Services. This written permission shall be on a Juvenile Authorization Release Form that has been signed by both parents, if living together; the legal custodial parent, if living apart; or, the legal guardian and witnessed by two officers.
2. The problems with being an informant should be carefully explained to a juvenile and his/her parents or legal guardian at the time that the juvenile authorization form is completed, i.e. personal safety considerations, court testimony, etc.

G. General Precautions:

1. All Department employees are reminded that informants are not police officers and any fraternization should be avoided.
2. No police officer's family member can be used as an informant without the consent of the **OIC** of SID.
3. A police officer that has a family member working as an informant cannot participate in any role, direction or engage in any activity regarding the information received from the informant.

VI. **ROLES AND ACCOUNTABILITY**

A. *Department personnel utilizing an informant (paid, defendant and proxy) shall:*

1. *Ensure that the proper documents are completed, placed in a packet and hand-carried to SID's Narcotics Unit OIC or designee;*
2. *Submit Debriefing Reports to SID on a monthly basis;*
3. *Obtain approval from the Commonwealth Attorney and supervisory authorization prior to utilizing a defendant or proxy informant; and,*
4. *Avoid any fraternization with informants.*

B. Narcotics Unit OIC or designee *shall:*

1. *Review submitted information from Departmental personnel utilizing an informant and assign a control number before the informant can participate in any investigation;*
2. *Maintain all informant documentation in a central, secure location;*
3. *Authorize the approval of payments to informants; and,*
4. *Maintain an informant file list including those informants that are classified*

as deactivated.

C. Supervisor *shall*:

Review and ensure the accuracy and timely completion of all documents in the Informant Information Packet and provide signatures on all required forms.

D. Case Officer *shall*:

1. *Document all informant activities immediately after the informant has performed any action directed by a member of the police department; and,*
2. *Promptly complete the Informant Resume Sheet and forward it to the Narcotics Unit OIC or designee.*

E. *Major of Support Services shall:*

Authorize the use of juveniles as informants, when appropriate.

VII. FORMS

- A. Informant File Checklist
- B. Informant Cooperation Agreement
- C. Proxy Informant Cooperation **Form**
- D. Juvenile **Authorization** Release **Form**
- E. Informant Initial Debriefing Report
- F. N-10, **Report of Expenditure of Special Investigative Funds**
- G. N-19, Personal History Information
- H. Informant Resume Sheet
- I. Informant Debriefing Report (Monthly)